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FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
50TH FLOOR  
NEW YORK, NY 10020-1105

EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/827,679

Applicant(s)

MCNUTT ET AL. *CM*

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-11, 14-17, 19-26, and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Paravia et al. (U.S. 6,508,710).

Paravia discloses an interactive gaming system that uses a location verification system to determine if a player is in a geographical location that allows wagering. If wagering is allowed, the player is allowed to submit wagering information; otherwise, the player is notified and not allowed to wager. Paravia additionally discloses:

Regarding Claim 1:

- determining a geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40);
- checking whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- restricting wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

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Regarding Claim 2:

- providing wagering access when wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 4:

- determining the geographic location of the user equipment comprises using automatic number identification on a telephone network (Column 19, lines 31-35).

Regarding Claim 5:

- determining in which geographic locations wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) ; and
- comparing the geographic location of the user equipment with the geographic locations in which wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claim 6:

- using an interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35); and
- providing the user equipment with a location verification token, wherein the location verification token is provided by the interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a location where wagering is allowed (Column 7, lines 38-46, and Column 21, line 14-Column 22,

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line 41). Paravia allows for the system to recognize the address (IP address or otherwise) allowing the player to access the system. Recognizing the address is equivalent to providing a location verification token. Furthermore, Paravia provides for a “call back” upon the location verifying process which is equivalent to providing a location verification token.

Regarding Claim 7:

- using a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, and any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 8:

- storing the location verification token at the user equipment (Column 7, lines 38-46, and Column 21, line 14-Column 22, line 41). Paravia allows for the system to recognize the address (IP address or otherwise) allowing the player to access the system. Recognizing the address is equivalent to providing a location verification token. Furthermore, Paravia provides for a “call back” upon the location verifying process which is equivalent to providing a location verification token.

Regarding Claim 9:

- providing a user with the ability to set user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54); and
- restricting wagering access based on the user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54).

Regarding Claim 10:

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- performing a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 11:

- receiving blackout information at the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- determining whether wagering is allowed based on the geographic location of the user equipment and on the blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claim 14:

- determining in which geographic location the user equipment is located (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- providing the user equipment with a location verification token, wherein the location verification token is provided by an interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a location where wagering is allowed (Column 7, lines 38-46, and Column 21, line 14-Column 22,

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line 41). Paravia allows for the system to recognize the address (IP address or otherwise) allowing the player to access the system. Recognizing the address is equivalent to providing a location verification token. Furthermore, Paravia provides for a “call back” upon the location verifying process which is equivalent to providing a location verification token.

Regarding Claim 15:

- determining in which geographic location the user equipment is located comprises using the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 16:

- determine a geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40);
- check whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- restrict wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 17:

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- user equipment configured to provide wagering access when wagering is allowed in the geographic location of the user equipment (Column 19, line 63-Column 20, line 2).

Regarding Claim 19:

- a telephone network having automatic number identification functionality that is used to determine the geographic location of the user equipment (Column 19, lines 31-35).

Regarding Claim 20:

- determine in which geographic locations wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- compare the geographic location of the user equipment with the geographic locations in which wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claim 21:

- use the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- provide the user equipment with a location verification token, wherein the location verification token is provided by the interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a location where wagering is allowed (Column 7, lines 38-46, and Column 21, line 14-Column 22,



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line 41). Paravia allows for the system to recognize the address (IP address or otherwise) allowing the player to access the system. Recognizing the address is equivalent to providing a location verification token. Furthermore, Paravia provides for a “call back” upon the location verifying process which is equivalent to providing a location verification token:

Regarding Claim 22:

- the interactive wagering system is comprised of a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, user equipment, and any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 23:

- wherein the interactive wagering application is further configured to store the location verification token in the user equipment (Column 7, lines 38-46, and Column 21, line 14-Column 22, line 41). Paravia allows for the system to recognize the address (IP address or otherwise) allowing the player to access the system. Recognizing the address is equivalent to providing a location verification token. Furthermore, Paravia provides for a “call back” upon the location verifying process which is equivalent to providing a location verification token.

Regarding Claim 24:

- provide a user with the ability to set user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54); and

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- restrict wagering access based on the user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54).

Regarding Claim 25:

- wherein the user equipment is configured to perform a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 26:

- receive blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- determine whether wagering is allowed based on the geographic location of the user equipment and on the blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 28:

- further comprising a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claim 29:

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- determine in which geographic location the user equipment is located (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- provide the user equipment with a location verification token, wherein the location verification token is provided by an interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a location where wagering is allowed (Column 7, lines 38-46, and Column 21, line 14-Column 22, line 41). Paravia allows for the system to recognize the address (IP address or otherwise) allowing the player to access the system. Recognizing the address is equivalent to providing a location verification token. Furthermore, Paravia provides for a “call back” upon the location verifying process which is equivalent to providing a location verification token.

Regarding Claim 30:

- further comprising a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claim 31:

- wherein the user equipment is configured to determine the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 32:

- wherein the user equipment is configured to check whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3,

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lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 33:

- wherein the user equipment is configured to restrict wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

3. Claims 12, 16, 18, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Alcorn et al. (U.S. 6,104,815).

Alcorn et al. discloses a method and apparatus that uses GPS and/or “set-top-box” technology to restrict gaming based on a geographical location. Alcorn et al. additionally discloses:

Regarding Claim 12:

- using an integrated receiver decoder to receive blackout information (Figure 5, and Column 8, lines 26-41);
- determining in which geographic location the user equipment is located (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30); and
- determining whether the user equipment is located in a geographic location where wagering is allowed based on the blackout information (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, Column 6, line 40-Column 7, line 30, and Column 8, lines 26-41) .

Regarding Claim 16:

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- determine a geographic location of the user equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30);
- check whether wagering is allowed in the geographic location of the user equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30); and
- restrict wagering access when wagering is not allowed in the geographic location of the user equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30).

Regarding Claim 18:

- further comprising a global positioning satellite system to determine the location of the user equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30).

Regarding Claim 27:

- use an integrated receiver decoder to receive blackout information (Figure 5, and Column 8, lines 26-41);
- determine in which geographic location the user equipment is located equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30); and
- determine whether the user equipment is located in a geographic location where wagering is allowed based on the blackout information equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30).

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*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-13, 16, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (U.S. 6,508,710) in view of Alcorn et al. (U.S. 6,104,815).

Paravia et al. discloses that as discussed above regarding Claims 1-2, 4-11, 14-17, 19-26, and 28-33. However, Paravia et al. lacks explicitly disclosing:

Regarding Claims 12 and 27:

- using an integrated receiver decoder to receive blackout information;

Regarding Claim 18:

- further comprising a global positioning satellite system to determine the location of the user equipment.

Alcorn et al., like Paravia et al., uses technology to restrict gaming based on a geographical location. Alcorn et al. teaches :

Regarding Claims 12 and 27:

- using an integrated receiver decoder to receive blackout information (Figure 5, and Column 8, lines 26-41);

Regarding Claim 18:

- further comprising a global positioning satellite system to determine the location of the user equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30).

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It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to utilize Alcorn's GPS and/or "set-top-box" technology in Paravia's system to determine a player's physical location and blackout information. One would be motivated to do so because it facilitates denial of gambling or other transactional privileges to those who are resident at locations or in jurisdictions that would make such transactions illegal.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martin '232, Scagnelli et al. '865, Soltesz et al. '069, Orford et al. '106, Walker et al. '272, Collins et al. '595, Tims et al. '626, and Donald '858 disclose interactive wagering systems that restrict gaming due to a player's physical location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

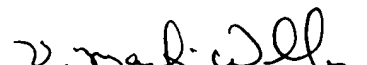
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej

January 25, 2003



VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700